

April 5, 2011

Ms. Rosita Clarke-Moreno
Project Manager & Project Officer
Brownfields & NPL Reuse Section #2
Superfund Division SWRAU Coordinator
U.S. EPA - Region 5
77 West Jackson Blvd. (SM-7J)
Chicago, IL 60604

Re: Site Eligibility Determination for EPA Hazardous Substance Assessment Grant

Site Location: 900 Alreco
Benton Harbor, Michigan

Dear Ms. Clarke-Moreno:

This letter is intended to affirm an eligibility determination for site assessment of the property located at 900 Alreco in Benton Harbor, Michigan. The assessment would be performed under the Benton Harbor U.S. EPA brownfield assessment grant for hazardous substance sites. Pursuant to United States (U.S.) Environmental Protection Agency (EPA) FY09 “*Guidelines for Brownfield Assessment Grants*” Section IIIC.3., the Benton Harbor Brownfield Redevelopment Authority (BHBRA) has provided the following information for eligibility determination.

Site Eligibility:

a. **Basic Site Information**

The site is located at 900 Alreco in Benton Harbor, Michigan. It consists of one parcel comprising approximately 10.76 acres of developed land, currently owned by the Reid Group, LLC. The subject property’s parcel identification number is 11-54-0007-0102-03-1.

b. **Status and History of Contamination at the Site**

The site has been historically used for various metal processing operations since initial development in 1964. Numerous subsurface investigations of the site have identified various volatile organic compounds (VOCs), polynuclear aromatic hydrocarbons (PNAs), and metals in the soil and/or groundwater of the property.

c. **Sites Ineligible for Funding**

BHBRA has determined the site: (a) is not listed or proposed for listing as an NPL site, (b) nor subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA, (c) nor subject to the jurisdiction, custody, or control of the United States Government.

d. **Sites Requiring a Property-Specific Determination**

The BHBRA (grantee) does not believe a property specific determination is needed.

Property Ownership Eligibility:**e. CERCLA § 107 Liability**

According to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), the BHBRA is not a potentially responsible party, under which include: a current owner or operator of a facility, an owner or operator of a facility at the time of disposal of a hazardous substance, a party that arranged for the treatment or disposal of hazardous substances, or a party that accepted hazardous substances for transport to disposal or treatment facilities at the site.

f. Enforcement Actions

At this time, no known ongoing or anticipated environmental enforcement actions related to the brownfield site for which funding is sought have been identified. BHBRA is not aware of any inquiries or orders from federal, state, or local government entities that the applicant is aware of regarding the responsibility of any party for potential contamination or hazardous substances at the site.

g. Information on Liability and Defenses/Protections Where Applicant Does NOT Own the Site

- i) The BHBRA has not arranged for the disposal of hazardous substances at the site or transported hazardous substances to the site. In addition, the BHBRA has not caused or contributed to any release of hazardous substances at the site.
- ii) The relationship between the current owner and the BHBRA are as follows: the current owner has agreed to grant site access and will cooperate with the BHBRA during the assessment by allowing site access, being available for interviews from the consultant, and providing documentation relevant to current and past operation at the site.
- iii) Site access will be granted through an access agreement between the property owner and AKT Peerless.

h. Information on Liability and Defenses/Protections Where Applicant Owns the Site or Will Own the Site During the Performance of the Grant

The BHBRA does not own and will not own the site during the performance of the grant.

Please contact me at (248) 615-1333, should you have any questions or concerns.

Sincerely,

AKT PEERLESS ENVIRONMENTAL & ENERGY SERVICES



Patrick T. Bell, PG
Senior Project Manager

cc: Ms. Cynthia LaGrow, Acting Director, Benton Harbor Brownfield Redevelopment Authority

epa eligibility - hazardous substances - 900 Alreco